

REMARKS

Claims 1, 2, 4-7 and 9-14 are currently pending in the application, as amended. Claim 3 has been cancelled. Claim 1 has been amended to point out that the second internal cavity includes a circumferential wall and the end cap includes flexible external ribs that engage the circumferential wall when the end cap is inserted into the second internal cavity. Claim 1 has also been amended to recite that a head of the end cap forms a smooth continuous surface with an external side surface of the handle portion of the pool cue. Support for these amendments to claim 1 can be found in specification paragraph 27 and Figs. 1 and 2. Claim 2 has been amended to recite that the pool cue includes a second internal cavity in the handle portion that is axially aligned with the first internal cavity and is located between the terminal end and the first internal cavity. Claim 2 has also been amended to recite that the second internal cavity is larger than the first internal cavity and an end cap plug including a plug shaft and a plug head is received within the second internal cavity in an assembled configuration such that the plug head is completely received within the second internal cavity. Support for these amendments to claim 2 can be found in specification paragraphs 27 and 31 and in Figs. 4 and 5. Claim 9 has been amended to recite that the first plug includes an extraction member having a length that is sufficient to extend beyond the terminal end of the handle portion of the pool cue. Claim 9 has also been amended to point out that the entire plug is adapted to be releasably received in the internal cavity. Support for this amendment can be found in specification paragraph 31 and Fig. 5. Claim 10 has been amended to point out that the compressible portion of the plug is encased within a sleeve. Support for this amendment can be found in specification paragraph 33 and Fig. 6. Claim 13 has been amended to note that the handle portion includes a first internal cavity and a second internal cavity between the first internal cavity and the terminal end wherein the second internal cavity is larger than the first internal cavity. Claim 13 has also been amended to include the step of installing an end cap plug into the first and second internal cavities such that a plug head of the end cap plug is completely received within the second internal cavity. Support for this amendment can be found in specification paragraph 31 and Figs. 4 and 5. Claim 14 has been amended to recite that the first plug includes an extraction member having a length and the first plug is removed from the open end of the internal cavity utilizing the extraction member. Support for this amendment to claim 14 can be found in specification paragraph 31 and Fig. 5.

No new matter has been added to the application by the above-described amendments.

The above-described amendments were made as a result of a telephone interview with the Examiner in charge of the above-identified application conducted on March 15, 2005. The undersigned would like to thank the Examiner for the courtesies extended during the interview.

CLAIM REJECTIONS

Claim Rejections – 35 U.S.C. § 102

Morse

The Examiner rejected claims 1 and 12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 298,111 (Morse). The Examiner argues that Morse discloses each and every element of claims 1 and 12. Applicants respectfully traverse this rejection.

Referring to Figs. 1-7, Morse is directed to a billiard cue including heavy weights h and light weights i that are inserted into generally cylindrical holes in various portions of the cue to alter the weight and feel of the cue. Referring to Fig. 3, the heavy and light weights h, i may be secured in a cylindrical hole in a terminal end section A of the pool cue. The weights h, i are secured in the hole by a screw-plug k that engages a cylindrical nut j, which has internal and external screw threads. In the assembled configuration, the cylindrical nut j and screw-plug k are completely received within the terminal end section A.

Referring to Figs. 1 and 2, the present invention is directed to a weighting system for a pool cue 10 having a handle portion 12 and a shaft portion 14. The handle portion 12 includes a terminal end 12a. A first internal cavity 26 and a second internal cavity 22 are located proximate the terminal end 12a and the second internal cavity 22 is larger than the first internal cavity 26. The second internal cavity 22 includes a circumferential wall. The weighting system also includes an end cap 20 having flexible external ribs 20a. In an assembled configuration, the flexible external ribs 20a engage the circumferential wall of the second internal cavity 22 and a head of the end cap 20 forms a smooth continuous surface with an external surface of the handle portion 12.

Amended claim 1 is directed to a weighting system for a pool cue having a handle portion and a shaft portion, the handle portion having a terminal end and recites, *inter alia*,

a first internal cavity proximate the terminal end;

a second internal cavity proximate the terminal end including a circumferential wall, the second internal cavity being larger than the first internal cavity, the first and second internal cavities substantially coaxial to each other;

an end cap for insertion into the second internal cavity in an assembled configuration such that flexible external ribs of the end cap engage the circumferential wall and a head of the end cap forms a smooth continuous surface with an external side surface of the handle portion.

There is no teaching, suggestion or disclosure in Morse of an end cap for a pool cue that has flexible external ribs that engage a circumferential wall of a second internal cavity or a head of an end cap that forms a smooth continuous surface with an external side surface of a handle portion of the pool cue. Morse teaches the cylindrical nut and plug having rigid external screw threads that engage internal screw threads of the terminal end portion or cylindrical nut, respectively. In addition, Morse discloses that the cylindrical nut and plug are each completely received within the terminal end portion of the pool cue in an assembled condition, therefore, the nut and/or plug do not form a smooth continuous surface with an external side surface of the handle portion. At best, the plug and/or cylindrical nut form a smooth surface with the butt or terminal end of the stick, but not with external side surface of the handle portion of the pool cue, as is claimed in amended claim 1 of the present application. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 1 based upon anticipation by Morse.

Claim 12 is directed to a method of tailoring weight characteristics of a pool cue having an end cap with a head and a shaft to preferences of an individual user and recites, *inter alia*,

providing the pool cue having a handle portion and a shaft portion, the handle portion having a terminal end, a first internal cavity proximate the terminal end and a second internal cavity proximate the terminal end;

providing a plurality of weights removably installable within the internal cavity;

inserting the plurality of weights into the first internal cavity;

removably inserting at least a portion of the end cap into the second cavity until the head is in contact with the terminal end to secure the plurality of weights in the first internal cavity.

Applicants respectfully submit that Morse does not teach, suggest or disclose each of the above-listed steps of claim 12 of the present application. Specifically, Morse does not teach, suggest or disclose removably inserting at least a portion of an end cap into a second cavity until a head of the end cap is in contact with a terminal end of the handle portion of the pool cue to secure the plurality of weights in a first internal cavity of the handle portion. Morse teaches the cylindrical nut and plug that are screwed into the handle or terminal end portion of the pool cue or into the cylindrical nut, respectively. However, the cylindrical nut and plug do not contact the terminal end of the handle portion of the pool cue to secure the plurality of weights in the first internal cavity. Specifically, the cylindrical nut and plug of Morse are each positioned inside an internal cavity of the handle portion and, therefore, are not in contact with the terminal end of the handle portion. Based upon the above, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 12 of the present application.

Adorjan I

The Examiner rejected claims 9 and 11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 829,749 (Adorjan I). The Examiner argues that Adorjan I discloses each and every element of claims 9 and 11. Applicants respectfully traverse this rejection.

Referring to Figs. 1 and 2, Adorjan I is directed to a billiard cue having a butt-end with a cavity 2 therein and a plurality of weights and sleeves 11, 12 that are slidably receivable into the cavity 2. The weights and sleeves 11, 12 have various lengths and are held in the cavity 2 by a head button 1', 8' with a threaded extension 7 that engages threads on an inside diameter of the cavity 2. The weights and sleeves 11, 12 are removable and replaceable from the cavity 2 to modify the weight and equilibrium of the cue. The weights and sleeves 11, 12 are removable and replaceable by unthreading the head button 1', 8' from the threads and removing or rearranging the weights and sleeves 11, 12. The head buttons 1', 8' are removed from the cavity 2 by unscrewing the threads, or specifically, by twisting the head buttons 1', 8 by a portion that extends from the cavity 2.

Referring to Figs. 1, 2 and 5, the pool cue of the present invention includes a first plug 50 that is adapted to be releasably and completely received in the internal cavity proximate the terminal end 12a of the handle portion 12. The first plug 50 includes an extraction member 56 having a length that is sufficient to extend beyond the terminal end 12a such that the first plug 50

may be removed from the internal cavity using the extraction member 56 in the assembled configuration.

Amended claim 9 is directed to a weighting system for a pool cue having a handle portion and a shaft portion, the handle portion having a terminal end and recites, *inter alia*,

an internal cavity in the handle portion proximate the terminal end
a first plug, the entire plug being adapted to be releasably received
in the internal cavity, the first plug including an extraction member
having a length, the length being sufficient to extend beyond the
terminal end.

Applicants respectfully submit that there is no teaching, suggestion or disclosure in Adorjan I of an extraction member that is long enough to extend beyond the terminal end of the handle portion of the pool cue when the first plug is entirely received in the internal cavity of the handle portion. Adorjan I teaches the head buttons 1', 8 that include a shaft portion and a head portion. The head portions of the head buttons or Adorjan I are positioned outside the internal shaft in the assembled configuration and the billiard cue of Adorjan I does not include an extracting member, much less an extraction member that is long enough to extend beyond the terminal end of the handle portion of the pool cue when the entire plug is received in the internal cavity. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 9 based upon anticipation by Adorjan I.

Claim 11 is dependent upon claim 9. Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 11 based upon anticipation by Adorjan I, at least based upon its dependence upon amended claim 9.

Moore

The Examiner rejected claim 10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 935,218 (Moore). The Examiner argues that Moore discloses each and every element of claim 10 of the present application. Applicants respectfully traverse this rejection.

Referring to Figs. 1-3, Moore is directed to a pool cue including a handle end 11 with a central bore 12 and a butt 14 with a threaded collar 15. The butt 14 includes a coil spring 18 extending therefrom with a stem 19 at an opposite end from the butt 14. The bore 12 includes a buffer spring 22 positioned therein having an outer ring 23 on its end proximate the butt 14 in an assembled configuration. Disks 28 are removably positionable upon the stem 19 and are insertable into the bore 12 in the assembled configuration to alter the weight characteristics of

the billiard cue. The disks 28 are sandwiched between the butt 14 and the outer ring 23 in the assembled configuration. Referring specifically to Fig. 3, the spring 18 associated with the butt 14 is exposed.

Referring to Figs. 1 and 6, the present invention includes a plug 60 for a pool cue that is adapted to be releasably received in an internal cavity 26" of the handle portion 12. The plug 60 includes a compressible portion 62 that may be comprised of a spring 64. The compressible portion 62 is encased within a sleeve 66.

Amended claim 10 is directed to a weighting system for a pool cue having a handle portion and a shaft portion, the handle portion having a terminal end and recites, *inter alia*,

an internal cavity in the handle portion proximate the terminal end,
the cavity having a total length, a closed end and an open end;
a plurality of rods, each of the rods having a length,
a plug, at least a portion of the plug being adapted to be releasably
received in the internal cavity, the plug includes a compressible
portion proximate a first end and a head portion proximate a
second end, the compressible portion being encased within a
sleeve.

Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 10 based upon Moore. Specifically, there is no teaching, suggestion or disclosure in Moore of a compressible portion that is encased within a sleeve. As was described above, the spring associated with the butt of the pool cue of Moore is exposed and is not encased within a sleeve. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 10 based upon anticipation by Moore.

Claim Rejections – 35 U.S.C. § 103

Adorjan I

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Adorjan I. The Examiner argues that Adorjan I discloses the claimed method with the exception of specifically stating that a different number of weight rods are inserted after removing first weight rods. The Examiner further argues that an object of Adorjan I is the regulation of the weight of the cue and it would have been obvious to one having ordinary skill in the art to change the weight of the cue by adding additional weight to the cue by using more weight elements. Applicants respectfully traverse this rejection.

Amended claim 14 is directed to a method of tailoring weight characteristics of a pool cue to preferences of an individual user and recites, *inter alia*,

providing a pool cue including:

a handle portion and a shaft portion, the handle having a terminal end;

an internal cavity in the handle portion proximate the terminal end, the internal cavity having a closed end and an open end, the internal cavity having a length;

a first plug releasably receivable in the open end of the internal cavity, the first plug including an extraction member having a length,

removing the first plug from the open end of the internal cavity utilizing the extraction member.

Applicants respectfully submit that one having ordinary skill in the art would not modify Adorjan I to include an extraction member having a length that is utilized to remove the first plug from the open end of the internal cavity of the handle portion. The head buttons 1', 8 of Adorjan I are designed to be engaged with the butt-end of the pool cue by screw threads that are screwed into internal threads on the butt-end of the pool cue. There disclosure in Adorjan I of an extraction member associated with the button heads used to remove the button heads from the cavity. In addition, one having ordinary skill in the art would realize that the inclusion of an extraction member onto the button heads of Adorjan I would provide no advantage for removing the button heads from the internal cavities as the external surfaces of the button heads are simply grasped and twisted to remove the button heads from the internal cavities and the butt-end of the billiard cues. Based upon the above, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 14 based upon unpatentability over Adorjan I.

Laube – Adorjan II

The Examiner rejected claims 2-7 and 13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,232,613 (Laube) in view of U.S. Patent No. 835,489 (Adorjan II). The Examiner argues that Laube discloses each and every element of claims 2-7 and 13 except for using a plurality of removable weights. The Examiner further argues that Adorjan teaches the use of a plurality of removable weights to adjust the cue to any particular user and it would have

been obvious to one having ordinary skill in the art to have modified Laube in view of Adorjan for the same reason. Applicants respectfully traverse this rejection.

Claim 3 has been cancelled, thereby rendering the rejection of claim 3 moot.

Referring to Figs. 1-6, Laube is directed to a cue stick including a shaft 12, a handle 14 and a connecting portion 16. Referring specifically to Fig. 2, an elongated sleeve 100 is threadably mounted in a terminal end of the handle portion 14 and a threaded weight 110 is movably mounted internally in the sleeve 100. The weight 110 may be moved along the length of the sleeve 100 by turning the weight 110 clockwise or counterclockwise using a screwdriver in association with a notch 112. The weight 110 may be adhesively bonded in the sleeve 100 once desired balance characteristics are obtained.

Referring to Figs. 1-5, Adorjan II is directed to a billiard cue having a cavity 1 in a terminal end of a handle portion of the cue. The cavity 1 removably retains masses 9, rods 11 or sleeves 12, 13. In an operating position, a butt-end 7 is screwed onto the terminal end of the handle portion and a plug or packing 10 exerts pressure on the masses 9, rods 11 and sleeves 12, 13 to hold them absolutely immovable in the cavity 1 to eliminate noise. The masses 9, rods 11 and sleeves 12, 13 are removable and replaceable from the cavity 1 to alter the center of gravity of the cue.

Referring to Figs. 4 and 5, the present invention includes an end cap plug 50 including a plug shaft 52 and a plug head 54. The plug head 54 is completely received within the second internal cavity 22 in an assembled configuration and the plug shaft 52 is received in the first internal cavity 26.

Amended claim 2 is directed to a weighting system for a pool cue having a handle portion and a shaft portion, the handle portion having a terminal end and recites, *inter alia*,

a first internal cavity in the handle portion proximate the terminal end and having an internally threaded wall;

a second internal cavity in the handle portion that is axially aligned with the first internal cavity and is located between the terminal end and the first internal cavity, the second internal cavity being larger than the first internal cavity;

an end cap including a plug shaft and a plug head, the plug head being completely received within the second internal cavity in an assembled configuration.

Amended claim 13 is directed to a method of tailoring weight and balance characteristics of a pool cue to preferences of an individual user and recites, *inter alia*,

providing a pool cue including a handle portion and a shaft portion, the handle having a terminal end and a first internal cavity in the handle portion proximate the terminal end, the handle portion further including a second internal cavity between the first internal cavity and the terminal end, the second internal cavity being larger than the first internal cavity, the first internal cavity having an internally threaded wall;

installing an end cap plug into the first and second internal cavities, the end cap plug including a plug shaft and a plug head, the plug head being completely received within the second internal cavity.

Applicants respectfully submit that any combination of Laube and Adorjan II would not disclose each and every element of amended claims 2 and 13 of the present application. Specifically, no combination of Laube and Adorjan I would include an end cap plug including a plug shaft and a plug head wherein the plug head is completely received in a second internal cavity of the handle end of the pool cue wherein the second internal cavity is larger than the first internal cavity and is located between the first internal cavity and the terminal end of the handle portion. Any combination of Laube in view of Adorjan II would, at best, disclose a head or a plug portion that protrudes from a terminal end of the handle portion of the pool cue. That is, the head portion of the plug is not received or installed within a second internal cavity in the handle portion of the pool cue, much less being installed completely within a second internal cavity that is larger than a first internal cavity. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claims 2 and 13 based upon unpatentability over Laube in view of Adorjan II.

Claims 4-7 are dependent upon claim 2. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claims 4-7 based at least upon their dependence upon amended claim 2 for the above-discussed reasons.

CONCLUSION

In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application including claims 1, 2, 4-7 and 9-14 are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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